

HOUSE BILL 2860

By Floyd

AN ACT to amend Tennessee Code Annotated, Title 40,
relative to bail for illegal aliens.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-11-118, is amended by adding a new subsection (c) and appropriately redesignating subsequent subsections accordingly:

(c) After an inquiry into the citizenship status of the defendant pursuant to § 40-7-123, if it is determined that the defendant is not lawfully present in the United States, when determining the amount of bail, there shall be a presumption that the defendant is at risk of flight.

SECTION 2. Tennessee Code Annotated, Title 40, Chapter 7, Part 1, is amended by adding a new section thereto:

§ 40-7-123.

When a person is charged with a felony or with a second or subsequent violation of driving under the influence pursuant to § 55-10-401 and is confined, for any period, in the jail of the county or any municipality, a reasonable effort shall be made to determine the citizenship status of the person so confined, including but not limited to, reviewing documents in the possession of the prisoner. If the keeper of the jail or other officer cannot determine the lawful status from the documents in the possession of the prisoner, verification shall be made within forty-eight (48) hours through a query to the Law Enforcement Support Center of the United States Department of Homeland Security or other office or agency designated for that purpose by the United States Department of Homeland Security. If it is determined that the person is not lawfully present in the United States, pursuant to the federal Immigration and Naturalization Act, compiled in 8

U.S.C. § 1101 et seq., the keeper of the jail or other officer shall notify the United States Department of Homeland Security.

SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 4. This act shall take effect July 1, 2008, the public welfare requiring it.